
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BARBIE LANGE
BRIANNA LANGE
AUDRIANA SOMMERFELD

Plaintiffs

Case No.:

-v-

Hon.

JOHN D. CROSBIE
V GRAHAM & SONS TRUCKING, INC.

Defendants

CHRISTOPHER TRAINOR & ASSOCIATES
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DEFENDANTS' NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1446

Background

1. In June 2022, plaintiffs Barbie Lange, Brianna Lange, and Audriana Sommerfeld, through their attorneys, filed a personal injury complaint in Livingston County Circuit Court against defendants John D. Crosbie and V Graham & Sons Trucking, Inc. (case no 22-31512-NI). (A copy of the complaint received by defendants is attached as Exhibit A.)

2. The lawsuit arises out of an alleged motor vehicle accident on June 5, 2020, and plaintiffs allege they sustained personal injuries as a result of the accident.

Basis for removal – diversity jurisdiction

3. A defendant may remove a case from state court to federal court if a federal court has original jurisdiction over the case. 28 U.S.C. § 1441(a).

4. Federal courts have original jurisdiction based on diversity of citizenship if two requirements are met—the amount in controversy exceeds \$75,000 and the dispute arises between citizens of different states or between citizens of a state and citizens or subjects of a foreign state. 28 U.S.C. § 1332(a). These requirements are satisfied here.

5. **Diversity of citizenship.** Diversity of citizenship exists because plaintiffs are citizens of various states and defendants are citizens or subjects of a foreign state.

6. Plaintiff Barbie Lange is a resident and citizen of State of California.
(Ex. A, ¶ 1)

7. Plaintiffs Brianna Lange and Audrianna Sommerfeld are residents and citizens of the State of Michigan. (Ex. A, ¶ 2-3)

8. Defendant John D. Crosbie is a resident and citizen of Alberta, Canada.
(Ex. A, ¶ 4)

9. For determining diversity of citizenship, a corporation is a citizen of (1) its state of incorporation and (2) the state where it has its principal place of business. 28 U.S.C. § 1332(c).

10. Defendant V Graham & Sons Trucking, Inc. is a Canadian corporation (Ex. A, ¶ 5) with its principal place of business in Alberta, Canada. V Graham & Sons Trucking, Inc. is therefore a citizen of Alberta, Canada.

11. There is complete diversity of citizenship among the parties based on 28 U.S.C. § 1332(a). Plaintiffs are citizens of Michigan and California, while defendants are citizens of Alberta, Canada.

12. **Amount in controversy.** Diversity jurisdiction further exists because the amount in controversy exceeds \$75,000.

13. Plaintiffs' complaint only alleges that "[t]he amount in controversy in this cause exceeds Twenty Five Thousand (\$25,000.00) Dollars exclusive of costs,

interest and attorney fees,” which is the jurisdictional requirement for a state circuit court action. (Ex. A, ¶ 6)

14. However, plaintiffs’ complaint also alleges that, as a result of the accident, plaintiffs sustained serious and grievous injuries throughout their entire body, including a serious impairment of body function and serious and permanent disfigurement. (Ex. A, ¶ 14-15, 17) They also allege that they are seeking economic and non-economic damages. (Ex A, ¶ 16)

15. Given the alleged injuries and damages for plaintiffs, defendants believe that the amount in controversy exceeds \$75,000 exclusive of interest and costs.

16. Based on the above, removal of the state court action to this court is proper under 28 U.S.C. §§ 1332(a)(2) and 1446(b) due to diversity of citizenship of all the parties and an amount in controversy in excess of \$75,000 exclusive of interest and costs.

Procedural matters

17. **Removal is timely.** This Notice of Removal is timely under 28 U.S.C. § 1446(b). Defendants were served with the complaint on June 15, 2022. This Notice of Removal is therefore timely because it is filed within 30 days after the defendants were served with the complaint.

18. **Removal to proper court.** A defendant must remove a case “to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a). Plaintiffs filed their state court lawsuit in Livingston County, Michigan, which is within the judicial district of this court. 28 U.S.C. § 102(a)(1).

19. **Pleadings and process.** Defendants have attached a copy of all pleadings and orders that have been served in the state court action as Exhibit A.

20. **Service of state court notice.** Defendants will promptly serve plaintiff with this Notice of Removal and will also promptly file a copy of this Notice of Removal with the Livingston County Circuit Court as required by 28 U.S.C. § 1446(d).

21. **Consent of other defendants.** 28 U.S.C. § 1446(b)(2) permits removal only if “all defendants who have been properly joined and served” consent to removal. This requirement is met because all defendants consent to removal.

22. All the requirements for removal of the state court action to this court under 28 U.S.C. § 1446 are met, this court’s jurisdiction is established based on diversity of citizenship, and defendants remove this action from Livingston County Circuit Court to the United States District Court, Eastern District of Michigan.

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Certificate of Service

The undersigned certifies that on July 1, 2022, this document was electronically filed with the Clerk of the Court using the CM/ECF system. Copies were also emailed to counsel identified in the caption on the same date.

/s/ William S. Cook
William S. Cook